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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,474	01/09/2004	Vincent Muniere	Q79100	6433
23373 7590 01/23/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER DOAN, PHUOC HUU	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			01/23/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/753,474	<b>Applicant(s)</b> MUNIERY, VINCENT	
	<b>Examiner</b> PHUOC H. DOAN	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11 and 16-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 16-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 7-9, 11, 13-15, 18-19, 24-25, and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Uusikartano (US Pub No: 2005/0099990).

As to claim 1, 9, 11, Uusikartano discloses a method for optimizing quality of service in the packet-switched domain of a mobile communication system (See Abstract), the method comprising: sending by a core network entity (Fig. 1, SGSN; GGSN) of said system sends to a radio access network entity (Fig. 1, UTRAN) of said system a request for the setting-up or reconfiguration of a radio bearer for a

packet session for a mobile station “Fig. 1, MS” (page 2, par. [0020]), said request comprising first information derived from quality of service information contained in a corresponding request received by said core network entity (page 2, par. [0022] associated Fig. 2, 3 with description); and adding by said core network entity to said request second information that is known at a of said core network entity (Fig. 2, 3 with description, page 3, par. [0024-0026], [0030], [0036]).

**As to claim 2**, 19, Uusikartano further discloses a method according to claim 1, wherein said second information comprises information representative of radio access capabilities of said mobile station (page 2, par. [0022]).

**As to claim 7**, 24, 30, Uusikartano further discloses a method according to claim 1, wherein said setting-up or reconfiguration of a radio bearer comprise the creation or modification of a Packet Flow Context (page 2, par. [0020], [0023]).

**As to claim 8**, 25, 31, Uusikartano further discloses a method according to claim 7, wherein said request for the setting-up or the reconfiguration of a corresponding radio bearer is sent in a CREATE BSS PFC message (page 2, par. [0020], [0023]).

**As to claim 18**, Uusikartano further discloses wherein said second information comprises information representative of radio access capabilities of said mobile station (page 2, par. [0020], [0023]).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **3-6, 16-17, 20-23, 26-29, and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Uusikartano in view of **Livet (US Pub No: 2004/0132441)**.

**As to claim 3**, 20, 26, Uusikartano discloses all the limitation of a method of claim

1. However, Uusikartano does not disclose wherein said radio access capabilities comprise capabilities to support higher data rates.

In the same field of endeavor, Livet discloses wherein said radio access capabilities comprise capabilities to support higher data rates (page 8, par. [0049]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to support higher data rates as taught by Livet to the system of Uusikartano in order to enhance the capacity of network.

**As to claim 4**, 21, 27, Livet further discloses a method according to claim 3, wherein said capabilities to support higher data rates comprise a multislot

capability (page 2, par. [0017] “**a first time slot load, and a second time slot load**”).

**As to claim 5**, 22, 28, Livet further discloses a method according to claim 3, wherein said capabilities to support higher data rates comprise a capability to support different data transfer modes (page 4, par. [0028-0029]).

**As to claim 6**, 23, 29, Livet further discloses a method according to claim 5, wherein said different data transfer modes comprise the GPRS (General Packet Radio Service) mode and the EGPRS (Enhanced General Packet Radio Service) mode (page 4, par. [0028-0029] “Livet disclose the using of the different data transfer modes can be used on the GPRS and EGPRS which inherently of network nodes”).

**As to claim 16**, 17, 32, Uusikartano discloses at the level based on said first information together with said second information (page 2, par. [0020], [0023]). However, Uusikartano does not disclose by performing a call admission control (CAC).

Livet discloses by performing a call admission control (CAC) (See TABLE 2 with description). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a call admission control as taught

by Livet to the system of Uusikartano order to set up reconfiguration by enhance service the network nodes.

***Conclusion***

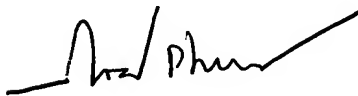
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Soderbacka (US Pub No: 2005/0215246)** discloses “Enabling a content provider initiated content delivery via a specific radio access network”.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Phuoc Doan  
01/09/07

  
ERIKA A. GARY  
PRIMARY EXAMINER